



January 13, 2016

SENATE BILL No. 109

DIGEST OF SB 109 (Updated January 11, 2016 1:21 pm - DI 92)

Citations Affected: IC 14-8; IC 14-22; IC 15-17; IC 35-52.

Synopsis: Regulation of hunting preserves. Provides that the department of natural resources may not regulate certain privately owned captive bred wild animals hunted on hunting preserves. Provides for the initial licensing by the state board of animal health of hunting preserves on which permitted animals are hunted. Establishes licensing requirements, inspection requirements, and fees. Exempts licensed hunting preserves and cervidae livestock operations from the licensing requirements for game breeders. Exempts licensed hunting preserves from the licensing requirements for shooting preserves. Provides that hunters on hunting preserves are required to have a special hunting permit. Specifies the fees for special hunting permits. Provides that hunters on hunting preserves are not subject to bag limits. Requires that a transportation or cull tag be affixed to each animal taken on a hunting preserve. Prohibits computer assisted remote hunting on hunting preserves. Establishes penalties for certain violations. Establishes the captive cervidae programs fund.

Effective: Upon passage.

Messmer

January 5, 2016, read first time and referred to Committee on Natural Resources.
January 12, 2016, amended, reported favorably — Do Pass.

SB 109—LS 6493/DI 109



January 13, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 109

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-37.6 IS REPEALED [EFFECTIVE UPON
- 2 PASSAGE]. Sec. 37.6: "~~Cervidae~~", for purposes of IC 14-22-20.5, has
- 3 the meaning set forth in IC 14-22-20.5-1.
- 4 SECTION 2. IC 14-8-2-37.7 IS REPEALED [EFFECTIVE UPON
- 5 PASSAGE]. Sec. 37.7: "~~Cervidae livestock operation~~", for purposes of
- 6 IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-2.
- 7 SECTION 3. IC 14-8-2-37.8 IS REPEALED [EFFECTIVE UPON
- 8 PASSAGE]. Sec. 37.8: "~~Cervidae products~~", for purposes of
- 9 IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-3.
- 10 SECTION 4. IC 14-22-1-1 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild
- 12 animals, except those that are:
- 13 (1) legally owned ~~or being held in captivity~~ under a license or
- 14 permit as required by this article; ~~or~~
- 15 (2) otherwise excepted in this article;
- 16 (3) **legally owned captive bred cervidae; or**
- 17 (4) **legally owned captive bred members of the bovidae family**

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described in IC 15-17-14.7-3;
are the property of the people of Indiana.

(b) **Except as provided in subsection (d)**, the department shall protect and properly manage the fish and wildlife resources of provide for the protection and proper management of all legally or publicly owned wild animals in Indiana.

(c) **Except as provided in subsection (d)**, the department may regulate legally owned wild animals.

(d) **The department may not regulate wild animals described in subsection (a)(3) and (a)(4).**

SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) The owner of a hunting preserve licensed under IC 15-17-14.7 is not required to obtain a game breeder's license under this section.**

(b) The owner of a cervidae livestock operation under IC 15-17-14.5 is not required to obtain a game breeder's license under this section.

(c) The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

- (1) propagate in captivity; and
- (2) possess, buy, or sell for this purpose only; game birds, game mammals, or furbearing mammals protected by Indiana law.

SECTION 6. IC 14-22-20.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Cervidae and Cervidae Products).

SECTION 7. IC 14-22-31-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to a hunting preserve licensed under IC 15-17-14.7.**

SECTION 8. IC 14-22-38-4, AS AMENDED BY P.L.195-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that involves:

- (1) unlawfully taking or possessing a deer or wild turkey;
- (2) taking or possessing a deer or wild turkey by illegal methods or with illegal devices; or
- (3) except as provided in subsections (c) and (d), selling, offering to sell, purchasing, or offering to purchase a deer or wild turkey or a part of a deer or wild turkey;

the court may order the person to reimburse the state five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000)



for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

(1) fails to pick up the processed deer within a reasonable time;

or

(2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

~~(d) Notwithstanding section 6 of this chapter, deer meat and products from farm raised deer that meet the requirements under IC 15-17 may be sold to the public.~~

(e) (d) In addition to being liable for the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

(1) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or

(2) a device used as a silencer;

commits unlawful hunting while using or possessing a silencer, a Class C misdemeanor.

SECTION 9. IC 15-17-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Cervidae", for purposes of IC 15-17-14.5 and IC 15-17-14.7, means privately owned members of the cervidae family, including deer, elk, moose, reindeer, and caribou.**

SECTION 10. IC 15-17-2-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. "Hunting preserve", for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-1.**

SECTION 11. IC 15-17-2-82.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 82.5. "Permitted animal", for purposes of IC 15-17-14.7, has the meaning set forth in IC 15-17-14.7-3.**

SECTION 12. IC 15-17-7-7, AS ADDED BY P.L.2-2008,



SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) This section does not apply to cervidae on a cervidae hunting preserve licensed under IC 15-17-14.7.**

~~(a)~~ **(b)** Owners of cattle, goats, or cervids that are destroyed because they have:

(1) reacted positively to a tuberculin test administered by:

(A) the state veterinarian or the state veterinarian's agent; or

(B) an agent of the United States Department of Agriculture;

or

(2) been exposed to tubercular animals;

are entitled to be indemnified for the cattle, goats, or cervids under the rules of the board and the United States Department of Agriculture, as applicable.

~~(b)~~ **(c)** Indemnification by the state may not exceed the per animal limit set in the rules of the board.

~~(c)~~ **(d)** Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal.

~~(d)~~ **(e)** State indemnity may not exceed federal indemnity on each animal.

SECTION 13. IC 15-17-10-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), an indemnity payment may not be made for the following:

(1) Animals or objects belonging to the United States.

(2) Animals or objects belonging to the state.

(3) Animals or objects brought into the state or moved in violation of this article, the rules of the board, or an agreement for the control of diseases or pests.

(4) Animals that were previously affected by any other disease or pest, which, from its nature and development, caused an incurable condition and was necessarily fatal.

(5) Animals or objects affected with disease or pest of animals that the owner purchased, knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects purchased from a place where a contagious disease or pest of animals was known to exist.

(6) Any animal or object that the owner or the owner's agent intentionally infects with or exposes to a disease or pest of animals.

(7) Any animal or object for which the owner received indemnity or reimbursement from any other source.



(8) Any cervidae or objects on a hunting preserve licensed under IC 15-17-14.7.

(b) The board may pay indemnity for animals or objects described in subsection (a)(3) through (a)(5) if the board finds that payment of indemnity is necessary to accomplish the purposes of this article.

SECTION 14. IC 15-17-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14.5. Cervidae and Cervidae Products

Sec. 1. As used in this chapter, "cervidae livestock operation" means an operation that:

- (1) contains privately owned cervidae; and**
- (2) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;**

but does not involve the hunting of privately owned cervidae.

Sec. 2. As used in this chapter, "cervidae products" means products, coproducts, or byproducts of cervidae.

Sec. 3. Cervidae and cervidae products legally produced, purchased, possessed, or acquired within Indiana or imported into Indiana are the exclusive property of the owner.

Sec. 4. Meat and products derived from privately owned cervidae that are from a cervidae livestock operation may be sold to the general public, subject to IC 15-17-5.

Sec. 5. The board may establish under IC 15-17-3-23 standards of care for animals on cervidae livestock operations.

SECTION 15. IC 15-17-14.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14.7. Hunting Preserves

Sec. 1. As used in this chapter, "hunting preserve" means an area of land where permitted animals are hunted.

Sec. 2. As used in this chapter, "licensed owner" means an owner of a hunting preserve who holds a license issued under this chapter.

Sec. 3. As used in this chapter, "permitted animal" means a legally owned captive bred wild animal classified as follows:

- (1) A member of the cervidae family.**
- (2) A member of the bovidae family genus ovis.**
- (3) A member of the bovidae family genus capra.**

Sec. 4. (a) The board shall issue an initial hunting preserve license to a person who:

- (1) meets all other requirements of this chapter; and**



(2) pays a fee of three hundred dollars (\$300).

(b) A hunting preserve license issued under this section may be transferred or assigned. If a person acquires a hunting preserve through a sale, a lease, or a change in ownership of the hunting preserve, the person must:

(1) obtain a hunting preserve license from the board; and

(2) meet the requirements set forth in this chapter; before allowing hunting on the hunting preserve.

(c) A hunting preserve must pass an annual inspection by the board.

(d) A person who:

(1) meets the requirements set forth in this chapter; and

(2) pays an annual fee of three hundred dollars (\$300); is entitled to renew a license.

(e) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter.

Sec. 5. Permitted animals, including their products, are the property of the licensed owner of the hunting preserve containing the permitted animals.

Sec. 6. (a) A hunting preserve must:

(1) provide sufficient space and cover to allow permitted animals the opportunity to evade hunters; and

(2) meet the following requirements:

(A) The hunting preserve must meet the applicable minimum size requirement of subsection (b).

(B) The hunting preserve must be enclosed by a fence that is at least eight (8) feet in height and not more than six (6) inches above the ground.

(C) Reasonable efforts must be made to clear the hunting preserve of wild deer.

(D) The hunting preserve may not be bisected by a public road, fencing, or any other barrier.

(E) The fence enclosing the hunting preserve must be marked with signs that meet the specifications of the board.

(b) A hunting preserve must contain:

(1) an aggregate total of at least eighty (80) acres in the areas where permitted animals are hunted if the hunting preserve was in operation during the 2015 calendar year; or

(2) at least one hundred (100) contiguous acres in the area where permitted animals are hunted if the hunting preserve



was not in operation during the 2015 calendar year.

Sec. 7. If a permitted animal escapes from a hunting preserve, the owner shall report the escape to the board within twenty-four (24) hours after the escape is discovered.

Sec. 8. A licensed owner may not do the following:

(1) Release a permitted animal into the wild.

(2) Release any cervid other than a permitted animal on the hunting preserve.

Sec. 9. (a) Hunting on a hunting preserve is not regulated by the department of natural resources. A person who takes or hunts a permitted animal on a hunting preserve is not required to hold a license under IC 14-22.

(b) A person who takes or hunts a permitted animal on a hunting preserve is required to have a special hunting permit issued by the board.

(c) The board:

(1) shall issue a special hunting permit that is required under subsection (b); and

(2) may appoint owners or managers of a hunting preserve as agents to sell the special hunting permit.

(d) A special hunting permit expires on March 2 immediately following the date the license is effective.

(e) The fee for a special hunting permit issued under this section to take a buck is equal to the fee set by the natural resources commission under IC 14-22-12-1(a)(15) per animal.

(f) The fee for a special hunting permit issued under this section to take a doe, a sheep, or a goat is equal to the fee set by the natural resources commission under IC 14-22-12-1(a)(6) per animal.

(g) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter.

Sec. 10. (a) The board shall provide the licensed owner either a transportation tag or a cull tag for every permitted animal taken on the hunting preserve. The board shall provide cull tags to the licensed owner without charge.

(b) The licensed owner shall cause a transportation tag to be affixed to each permitted animal taken on the hunting preserve.

(c) An individual may not transport or possess a permitted animal taken from a hunting preserve without a transportation tag.

(d) The transportation tag affixed to a permitted animal taken on a hunting preserve under subsection (b) is considered to be the



1 bill of sale for the sale of the permitted animal by the licensed
2 owner to the hunter.

3 (e) A licensed owner is not required to affix a transportation tag
4 for a permitted animal culled by the licensed owner from the
5 hunting preserve and transported directly for personal
6 consumption, or to a slaughtering establishment or charity.
7 However, the licensed owner shall cause a cull tag to be affixed to
8 each permitted animal culled by the licensed owner.

9 Sec. 11. (a) A licensed owner shall keep records that accurately
10 represent the following:

11 (1) The permitted animals entering and leaving the hunting
12 preserve.

13 (2) The individuals who use the hunting preserve.

14 (3) Information that documents compliance with this chapter
15 as determined by rules adopted by the board.

16 (b) The records under subsection (a) must be maintained for a
17 period determined by the board and must be open for inspection by
18 employees of the board during regular business hours.

19 Sec. 12. (a) Permitted animals may be hunted on a hunting
20 preserve licensed under this chapter from September 1 through
21 March 1 between one-half (1/2) hour before sunrise and one-half
22 (1/2) hour after sunset.

23 (b) For permitted animals taken on a hunting preserve there is
24 not a bag limit, and both male and female animals may be taken.

25 (c) A licensed owner may charge fees for hunting on the hunting
26 preserve that reflect the class of permitted animal hunted.

27 Sec. 13. (a) Only weapons that may be used legally in hunting on
28 other property in Indiana may be used in hunting on a hunting
29 preserve.

30 (b) A hunting preserve may not allow computer assisted remote
31 hunting.

32 (c) If a permitted animal has been sedated, the hunting preserve
33 may not allow the permitted animal to be hunted within
34 twenty-four (24) hours of sedation. In addition, the board may
35 adopt rules governing the use of a permitted animal for food after
36 the permitted animal has been sedated or treated with medication.

37 (d) Hunting on a hunting preserve is prohibited within one
38 hundred fifty (150) yards of an artificial feeding site.

39 Sec. 14. (a) The board may establish under IC 15-17-3-23
40 standards of care for permitted animals on hunting preserves
41 licensed under this chapter.

42 (b) The board may not adopt rules that have the effect of



1 prohibiting or unreasonably restricting the operation of a hunting
 2 preserve. However, the board's ability to regulate animal diseases
 3 and food safety is not restricted by this subsection.

4 (c) The board may inspect a hunting preserve to investigate a
 5 complaint at any reasonable time.

6 (d) The board may inspect a hunting preserve to investigate an
 7 issue concerning animal health at any reasonable time.

8 Sec. 15. (a) Except as provided in subsection (b), a person who
 9 violates this chapter is subject to the penalties set forth in
 10 IC 15-17-18-12.

11 (b) A person who knowingly or intentionally violates section 7,
 12 8, 13(b), or 13(c) of this chapter commits a Level 6 felony.

13 Sec. 16. (a) The captive cervidae programs fund is established.
 14 The board may use money in the fund to pay the expenses of:

15 (1) administering IC 15-17-14.5 and this chapter; and

16 (2) implementing programs to control diseases in cervidae
 17 authorized under this article.

18 (b) The fund shall be administered by the board.

19 (c) The fund consists of all fees collected under this chapter.

20 (d) The expenses of administering the fund shall be paid from
 21 money in the fund.

22 (e) The treasurer of state shall invest the money in the fund not
 23 currently needed to meet the obligations of the fund in the same
 24 manner as other public money may be invested. Interest that
 25 accrues from these investments shall be deposited in the fund.

26 (f) Money in the fund at the end of a state fiscal year does not
 27 revert to the state general fund.

28 SECTION 16. IC 35-52-15-15.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 15.5. IC 15-17-14.7-15 defines
 31 crimes concerning a hunting preserve.

32 SECTION 17. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 1. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals, except those that are:

- (1) legally owned ~~or being held in captivity~~ under a license or permit as required by this article; ~~or~~
- (2) otherwise excepted in this article;
- (3) legally owned captive bred cervidae; or**
- (4) legally owned captive bred members of the bovidae family described in IC 15-17-14.7-3;**

are the property of the people of Indiana.

(b) Except as provided in subsection (d), the department shall protect and properly manage the fish and wildlife resources of provide for the protection and proper management of all legally or publicly owned wild animals in Indiana.

(c) Except as provided in subsection (d), the department may regulate legally owned wild animals.

(d) The department may not regulate wild animals described in subsection (a)(3) and (a)(4)."

Page 2, delete lines 1 through 7.

Page 5, delete lines 32 through 36, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "permitted animal" means a legally owned captive bred wild animal classified as follows:

- (1) A member of the cervidae family.**
- (2) A member of the bovidae family genus ovis.**
- (3) A member of the bovidae family genus capra."**

Page 6, delete lines 12 through 14, begin a new paragraph and insert:

"(e) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter."

Page 6, line 16, after "owner" insert **"of the hunting preserve"**.

Page 6, line 17, after "6." insert **"(a)"**.

Page 6, delete lines 21 through 23, begin a new line double block



indented and insert:

"(A) The hunting preserve must meet the applicable minimum size requirement of subsection (b)."

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"(b) A hunting preserve must contain:

(1) an aggregate total of at least eighty (80) acres in the areas where permitted animals are hunted if the hunting preserve was in operation during the 2015 calendar year; or

(2) at least one hundred (100) contiguous acres in the area where permitted animals are hunted if the hunting preserve was not in operation during the 2015 calendar year."

Page 6, line 34, delete "cervidae" and insert **"permitted animal"**.

Page 6, delete lines 37 through 40, begin a new paragraph and insert:

"Sec. 8. A licensed owner may not do the following:

(1) Release a permitted animal into the wild.

(2) Release any cervid other than a permitted animal on the hunting preserve."

Page 6, line 41, after "(a)" insert **"Hunting on a hunting preserve is not regulated by the department of natural resources."**

Page 7, line 12, after "set" insert **"by the natural resources commission"**.

Page 7, line 15, after "set" insert **"by the natural resources commission"**.

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"(g) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter."

Page 7, line 18, after "every" insert **"permitted"**.

Page 7, line 22, after "each" insert **"permitted"**.

Page 7, line 23, delete "an animal" and insert **"a permitted animal"**.

Page 7, line 25, delete "an animal" and insert **"a permitted animal"**.

Page 7, line 27, after "sale of the" insert **"permitted"**.

Page 7, line 30, delete "an animal" and insert **"a permitted animal"**.

Page 7, line 33, after "each" insert **"permitted"**.

Page 7, line 37, after "(1) The" insert **"permitted"**.

Page 8, line 9, after "of" insert **"permitted"**.

Page 8, line 18, delete "an animal" and insert **"a permitted animal"**.

Page 8, line 19, delete "animal" and insert **"permitted animal"**.

Page 8, line 23, after "for" insert **"permitted"**.

Page 8, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 16. (a) The captive cervidae programs fund is established.



The board may use money in the fund to pay the expenses of:

- (1) administering IC 15-17-14.5 and this chapter; and**
- (2) implementing programs to control diseases in cervidae authorized under this article.**

(b) The fund shall be administered by the board.

(c) The fund consists of all fees collected under this chapter.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 109 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 8, Nays 1.

